

Service Date: December 21, 1994

FINAL ORDER NO. 6353

DEPARTMENT OF PUBLIC SERVICE REGULATION
MONTANA PUBLIC SERVICE COMMISSION
1701 Prospect Avenue, P.O. Box 202601
Helena, Montana 59620-2601

IN THE MATTER OF Jeffrey Dee Bingman)	
dba Mountain Taxi , Big Sky, Montana,)	
the application for a Montana Intrastate)	Docket No. T-94.79.PCN
Certificate of Public Convenience and)	Order No. 6353
Necessity.)	

The Commission, being fully advised in the premises, makes the following findings, conclusions and order:

FINDINGS OF FACT

1. On July 26, 1994, Jeffrey Dee Bingman dba Mountain Taxi, P.O. Box 160003, Big Sky, Montana 59716, filed an application with the Montana Public Service Commission under Title 69, MCA, to amend Certificate of Public Convenience and Necessity. Jeffrey D. Bingman currently holds Montana Intrastate Certificate of Public Convenience and Necessity, PSC 8995, which authorizes the transportation of persons and baggage, Class B, between all points and places within Madison and Gallatin Counties. Limitations: Transportation must originate within a fifteen (15) mile radius of Big Sky, Montana, and further restricted to transportation of eight (8) passengers or less.

Mr. Bingman proposes to amend PSC 8995 as follows:

Class B - Persons and baggage between all points and places within Madison and Gallatin Counties.

Limitations: Transportation must originate **or terminate** within a **fifty (50)** mile radius of Big Sky, Montana, and further restricted to transportation of **fifteen (15)** passengers or less **per vehicle**.

2. In accordance with Section 69-23-321, MCA, this matter was noticed to the public August 5, 1994. That notice said in pertinent part:

If no written protests are received by August 25, 1994, a hearing may not be held and a final order may be issued in this Docket. If a protest is received, a hearing will be scheduled. Individual notice of the hearing will be given only to Protestants and Applicant.

The application included affidavits of support.

3. Protests were filed by City Taxi, Inc., Bozeman, Montana and Karst Stage, Inc., Bozeman, Montana.

4. On October 4, 1994, notice of public hearing was issued, with the hearing scheduled for October 27, 1994, in Bozeman, Montana. Applicant requested and was granted a continuation of the hearing.

5. The docket was again scheduled for public hearing on November 15, 1994, with a hearing to be held on December 14, 1994, in Bozeman, Montana. Prior to that date, Applicant and Protestants entered into stipulations which resulted in Applicant amending the application and the protestants withdrawing their objections to the docket. The stipulation is incorporated into the Order granting authority herein.

6. The record of this application is available for inspection at the Public Service Commission Office, 1701 Prospect Avenue, P.O. Box 202601, Helena, Montana 59620-2601.

CONCLUSIONS OF LAW

1. The Montana Public Service Commission properly exercises jurisdiction over the parties and subject matter in this proceeding.

2. The Commission afforded all parties interested in this proceeding proper notice and an opportunity to participate.

3. Public Convenience and Necessity require a grant of the authority sought by the Applicant.

ORDER

NOW THEREFORE, at a session of the Public Service Commission, Department of Public Service Regulation of the State of Montana, held in its offices at 1701 Prospect Avenue, Helena, Montana, on the 12th day of December, 1994, there being present a quorum of Commissioners, there came regularly before the Commission for final action the matters and things in Docket No. T-94.79.PCN, and the Commission being fully advised in the premises;

IT IS ORDERED by the Commission that the application of **Jeffrey D. Bingman dba Mountain Taxi**, Big Sky, Montana, to amend Certificate of Public Convenience and Necessity PSC 8995 IS GRANTED to the following extent:

Class B - Persons and baggage between all points within Madison and Gallatin counties.

Limitations: (1) Transportation must originate or terminate within a twenty (20) mile radius of Big Sky, Montana. (2) Transportation of fifteen (15) passengers or less per vehicle. (3) No transportation may originate within a five (5) mile radius of Bozeman, Montana. (4) Twelve (12) hour reservations for transportation of passengers from Gallatin Field Airport to Big Sky, Montana.

IT IS FURTHER ORDERED that PSC No. 8995 be returned to this office for cancellation in lieu of the expanded authority granted.

IT IS FURTHER ORDERED that a full, true and correct copy of this order be sent forthwith by first class mail to the applicant and all parties herein.

THE FOREGOING ORDER was adopted by the Department of Public Service Regulation of the State of Montana, Public Service Commission, IN OPEN SESSION at Helena, Montana, this 12th day of December, 1994, by a vote of 5 - 0.

BY ORDER OF THE MONTANA PUBLIC SERVICE COMMISSION.

BOB ANDERSON, Chairman

BOB ROWE, Vice Chairman

DAVE FISHER, Commissioner

NANCY McCAFFREE, Commissioner

DANNY OBERG, Commissioner

ATTEST:

Kathlene M. Anderson
Commission Secretary

(SEAL)

NOTE: Any interested party may request the Commission to reconsider this decision. A motion to reconsider must be filed within ten (10) days. See 38.2.4806, ARM.